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PATENT

5858-01800 (SR 2002/30 US)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In reapplication of

Schilling

Serial No. 10/736,446

Filed: December 15, 2003

For:

DEVICE AND METHOD FOR

BROADBAND TRANSMISSION OF DIGITAL OPTICAL SIGNALS

BETWEEN TRAVELING UNITS

Group Art Unit: 2874 Examiner: Unknown

Attorney Docket No. 5858-01800

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patrice, P.O. Box 1450, Alexandria, VA 22313, on the date in youted below:

12/02/2005

Date Kevid L Daffer

## PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER MPEP § 708.02. 1

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

Atta: Group Director, Group 2874

Dear Sir or Madam:

Applicant hereby petitions to make special the captioned application pursuant to 37 C.F.R. § 1.102(d) on grounds that the Applicant wishes to manufacture the captioned invention as set out in MPEP 708.02, I.

Applicant began manufacturing prototypes in November, 2004. Before manufacturing the captioned invention in quantity, or dedicating sufficient capital and facilities to that end, Applicant through its undersigned attorney horeby states:

1. The assignce of the captioned application, Schleifring und Apparatebau GmbH, while having already manufactured prototypes and provided them under confidentiality to certain customers beginning in December, 2004, have yet to manufacture this invention in quantity but have committed sufficient capital and facilities to be made available if a patent is granted from this application.

PAGE 1/2 \* RCVD AT 12/2/2005 5:25:21 PM (Eastern Standard Time) \* SVR:USPTO-EFXRF-8/33 \* DNIS:2738300 \* CSID:512 703 1250 \* DURATION (mm-ss):01-62

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- 2. The assignce is a corporation and, therefore, a corroborating statement is believed unnecessary to show that Schleifring und Apparatebau GmbH have sufficient capital and resources available to manufacture this invention once a patent is granted. However, through its undersigned, the assignce corporation does in fact have sufficient capital and facilities to be made available upon patent grant.
- 3. The assignee, as a prospective manufacturer, will not increase present manufacture unless certain that a patent will be granted.
- 4. The assignee, as a prospective manufacturer, obligates itself to manufacture the invention in the United States or its possessions in quantity immediately upon the allowance of claims or issuance of the patent which will protect the investment of capital and facilities dedicated to the manufacturing endeavor. Once claims are allowed, the assignee will commit manufacturing resources to its manufacturing plant: Schleifring Medical Systems, LLC, 1420 Crispin Drive, Elgin, Illinois 60123.
- 5. The assignce has made a careful and thorough search of the prior art and has good knowledge of the pertinent art. Accompanying this petition is an Information Disclosure Statement reciting such prior art for consideration by the Examiner. The references being most closely related to the claimed subject matter are characterized within the captioned patent application specification, and are hereby placed of record in the Information Disclosure Statement filed herewith.

Authorization is hereby made to charge the required fee under 37 C.F.R. § 1.17(h) to Daffer McDaniel, 1.LP deposit account number 50-3268/5858-01800.

Respectfully/submitted,

Kevin L. Duffer Rcg. No. 34,146

Attorney for Applicants

Customer No. 35617 Daffer McDaniel, J.I.P P.O. Box 684908 Austin, TX 78768-4908 (512) 476-1400

Date: December 2, 2005